

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

TRINIDAD and ANTONIO VIGIL,  
individually and as husband and wife,

PLAINTIFFS,

v.

Civ. No. 00-1435 RLP/KBM

WHIRLPOOL CORPORATION,  
a Delaware Corporation,

DEFENDANT.

MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the court on Whirlpool Corporation's Motion in Limine to Limit the Testimonies of Lynn Reule and Don Naylor and Incorporated Memorandum of Law. The motion is denied.

Lieutenant Ruele and Mr. Naylor are cause and origin experts. Whirlpool seeks to have precluded either one's opinion as to the source of the fire being the Whirlpool dishwasher. Whirlpool states that because neither Lt. Ruele nor Mr. Naylor is an electrical engineer, they are not competent to say that electronic components or electrical wiring in the dishwasher caused the fire. Further, Whirlpool argues that neither one should be allowed to testify that the dishwasher was the cause of the fire because they ruled out other sources.

Cause and origin experts *do* rule out other causes of fires. They gather empirical data and then use inductive reasoning to arrive at a conclusion. If their investigation, reasoning, or conclusions are faulty, they are susceptible to being impeached on cross-examination.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Whirlpool Corporation's Motion in Limine to Limit the Testimonies of Lynn Reule and Don Naylor and Incorporated Memorandum of Law [Doc. 315] is denied.

IT IS SO ORDERED.



Richard L. Puglisi  
United States Magistrate Judge  
(sitting by designation)

FOR THE PLAINTIFFS: Ripley B. Harwood, Esq.

FOR THE DEFENDANT: James S. Owens, Jr., Esq.  
Stan N. Harris, Esq.